

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.O.N.
★ NOV 23 2011 ★ M/P/31
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DANIEL MARCEL,

X

Petitioner,

-against-

SEAN M. BRYNE, Commissioner of New
York State Division of Criminal Justice
Services; ERIC T. SCHNEIDREMAN,
Attorney General of the State of New York,

Respondents.

X

A Memorandum and Order of Honorable Roslynn R. Mauskopf, United States District Judge, having been filed November 10, 2011, denying the petition for a writ of habeas corpus; denying as moot Petitioner's request for the appointment of counsel; ordering that a Certificate of Appealability shall not issue; certifying pursuant to 28 U.S.C. § 1915(a) that any appeal from a judgment denying the petition would not be taken in good faith; it is

ORDERED and ADJUDGED that the petition for a writ of habeas corpus is denied; that Petitioner's request for the appointment of counsel is denied as moot; that a Certificate of Appealability shall not issue; that pursuant to 28 U.S.C. § 1915(a) any appeal from a judgment denying the instant petition would not be taken in good faith.

Dated: Brooklyn, New York
November 22, 2011

DOUGLAS C. PALMER
Clerk of Court

Chay